

SPECIAL JOINT COMMISSION MEETING

**Tallahassee, Florida
June 12, 2003**

Joint City-County Commission Public Hearing On The Transmittal of Proposed Cycle 2003-2 Amendments To The 2010 Tallahassee-Leon County Comprehensive Plan

The City Commission met in special joint session with the Board of Leon County Commissioners (County Commission) on June 12, 2003, in the City Hall Commission Chamber with City Commissioners Marks, Katz, Lightsey, Mustian and Gillum, and County Commissioners Winchester, Sauls, Thael, Rackleff and Grippa present. Also present were Assistant City Attorney Hurst and County Attorney Thiele.

Mayor Marks called the meeting to order at 6:13 p.m.

Interim Planning Director Valerie Hubbard noted this was the second opportunity for public comment on these Cycle 2003-2 Amendments to the Joint 2010 Tallahassee-Leon County Comprehensive Plan (Comp Plan), which would be followed by separate Commission votes on the transmittal of the tentatively approved amendments to the Florida Department of Community Affairs (FDCA) for review as to consistency with State regulations. She stated that there would be another joint public hearing on the final adoption of these amendments on September 23, 2003 at 6:00 p.m. in the County Commission Chamber of the Leon County Courthouse.

Ms. Hubbard reviewed the agenda materials and announced the process for citizen appearances before the Joint Commission. She requested that speakers attempt to limit their comments to no more than three minutes.

Agenda Modifications/Withdrawal of Amendments Policy

Ms. Hubbard announced that the applicant had withdrawn Amendment 2003-2-M-001.

County Chairman Grippa pulled Amendment 2003-2-T-008 from Consent.

City Commissioner Lightsey inquired as to whether the series of withdrawals on amendments that had been consistently denied might be a way of "short circuiting" the system, and she asked for suggestions on how this should be handled.

Ms. Hubbard confirmed that if denied, the applicant must wait 12 months before the amendment could be re-submitted. She stated that by policy, an amendment that was withdrawn could be resubmitted for consideration in the next cycle of amendments.

County Commissioner Proctor entered the meeting at 6:17 p.m.

County Attorney Thiele suggested that one solution would be to amend the policy so that if a proposed amendment reached the transmittal hearing with a consistent recommendation of denial, even if withdrawn it could not be brought back for two cycles of amendments, or a year.

City Commissioner Lightsey moved the suggestion by County Attorney Thiele. County Commissioner Thael seconded the motion.

County Chairman Grippa stated that he had several concerns about the proposed policy change, but believed that the issue should not be debated or discussed at this time. He opined that the appropriate motion, considering this serious issue had not been publicly noticed, was that the staff be directed to bring back an agenda item dealing with this issue at the next joint Comprehensive Plan hearing.

Ms. Hubbard advised that it would be necessary for a policy change to go through the Comprehensive Plan amendment process.

Mayor Marks clarified with City Commissioner Lightsey that the motion was to direct the staff to bring the withdrawal of amendments issue back with a staff recommendation for Commission consideration, and the vote of the Joint Commission was as follows:

AYE: City Commissioners Marks, Katz, Lightsey, Mustian and Gillum; County Commissioners Grippa, Thaell, Sauls, Rackleff, Winchester and Proctor
NAY: None
ABSENT: County Commissioner Maloy

Mayor Marks inquired if anyone desired to address the Commission on the remaining amendments in the Consent agenda and upon learning that there were speakers on Amendment -003, **Amendment -M-003 was also withdrawn from the Consent agenda.**

Consent Items

On behalf of the County, County Chairman Grippa moved to approve items in the Consent agenda, including Amendments 2003-2-M-001, -M-002, -M-004, -M-005, -T-007 and -T-009. County Commissioner Sauls seconded the motion and the vote of the County Commission was as follows:

AYE: County Commissioners Grippa, Thaell, Sauls, Rackleff, Winchester and Proctor
NAY: None
ABSENT: County Commissioner Maloy

On behalf of the City, City Commissioner Katz moved a like motion and upon second by City Commissioner Lightsey, the vote of the City Commission was as unanimous in favor thereof.

Amendment 2003-2-M-003

Ms. Enid Ehrbar, Senior Planner, presented Amendment 2003-2-M-003 as requesting that six (6) parcels, totaling 28.9 acres, located west of Meridian Road and South of Gardner Road, be amended from Rural to Lake Protection. This amendment also included a request to move the Urban Service Area (USA) line that divides two of the parcels included in this amendment request, bringing approximately six additional acres into the USA and moving the USA line approximately 135 to 350 feet west of its current location. The applicant had indicated that the intended land use would be detached single-family residential dwelling units.

Ms. Ehrbar announced the speakers as follows:

Rev. William Faust, 6504 North Meridian Road, President of the Paremores Neighborhood Association, appeared before the Commission and discussed his neighborhood's opposition to this amendment, noting that this was an older, predominantly black neighborhood of almost 120 families. He stated that they were opposed to this amendment because of the additional traffic congestion and the impact that an additional 30-40 homes on septic tanks would have on Lake Jackson, noting that he

had lived in that area for many years without being able to get any central sewer utility although they had received City water.

County Commissioner Rackleff asked if the Paremores Neighborhood opposed including the adjacent properties in the USA and the change from Rural to Lake Protection, noting that this proposed action would allow a maximum of 23 new units in the adjoining properties as compared to the existing maximum of only seven (7) units under the existing Rural zoning. Reverend Faust confirmed his opposition based on the additional density being disruptive to the Paremores Neighborhood and harmful to Lake Jackson.

County Commissioner Maloy entered the meeting at 6:25 p.m.

City Commissioner Gillum inquired as to why the Paremores Neighborhood was not receiving urban services since more than half of the property was inside the USA. Ms. Hubbard explained that the USA contained a lot of land that did not currently receive urban services while the intent was to serve the USA with urban services within the 20 years of the Comprehensive Plan, or by the year 2020. She stated that one of the questions that had been raised relative to this amendment was whether central sewer, which was currently provided on the east side of the road, would be provided to the west side of the road to serve the proposed development, and she advised that would depend on whether the City, as the provider, determined it was feasible to provide that service.

Discussion continued and Ms. Hubbard clarified that this amendment would bring all of the property into the USA. She stated that central sewer could not be provided outside of the USA, but the City would make the decision on whether central sewer was available for the property based on the economics of the situation.

Mayor Marks ascertained from Ms. Hubbard that there were no concurrency concerns with this amendment as it involved a very modest increase in the number of additional units. Ms. Kristen Andersen, Planner, advised that two segments of Meridian Road could require mitigation from the developer, however, County Growth Management staff had opined that concurrency would not hinder the project approval.

Mr. Gary Yordon, 1306 Toochin Nene, representing the developer, appeared before the Joint Commission in support of this item. He stated that this amendment would bring water and sewer across the road to be available to the Paremores Neighborhood and would result in the paving of Gardner Road at its entrance. He pointed out the proposed construction of new single-family homes would go through the site plan approval process.

City Commissioner Katz confirmed with Ms. Hubbard that the property currently did not qualify for central sewer and this amendment would put all of the property into the USA so that the property would qualify for sewer service, and he asked if the developer would be required to install the central sewer lines. Ms. Hubbard stated that the City, as provider, would make the determination on the availability of central sewer, but it would likely be considered available since central sewer was located across the road. She stated that Growth Management had indicated to her that the developer would be required to connect to central sewer and, in that case, there might be some benefit to the existing homes in the Paremores Neighborhood across the road in terms of cost. Brief discussion continued relative to the cost of extending central sewer to that neighborhood.

City Commissioner Lightsey advised that the City usually did not extend central sewer into existing neighborhoods as a retrofit unless there were an adequate number of people in that neighborhood who were willing to tap into the system. She stated that the developer brought in the sewer lines in new developments, but there had to be a cost-benefit analysis to provide the service to existing neighborhoods.

Ms. Anderson reported that City Water Utilities had done a preliminary analysis of providing service to China Doll, Paremore Road and Thompson Circle as a sample study area on cost, and their estimate was from \$500,000 to \$1 million to serve those three roads, depending on the availability of easements and gravity outfalls, etc.

City Commissioner Katz questioned how much of that cost would be borne by the residents and he opined that the basic question appeared to be whether the cost was reasonable for the existing residents or if there was some way to make sure the service was available.

Mr. Yordon stated that regardless of the cost of individual hookups, they would not occur if the sewer infrastructure was not brought across the road and he opined that the cost would vary from home to home, depending on individual citizens providing right-of-way easements. He stated that the significant cost was moving it across the road and that cost was borne by the developer.

County Chairman Grippa ascertained from Mr. Yordon that the developer would apply to the City for water and sewer rebates on the cost of installing water and sewer lines.

County Chairman Grippa expressed distress with the situation of a high-pressure gas line running through the Paremore Neighborhood and that neighborhood being unable to connect to central sewer. He suggested that some sort of innovative program be developed to have citizens reimbursed for the cost of installing the sewer lines to obtain that service, especially in an environmentally sensitive area like Lake Protection, and he recommended that some creative way be found to try to compensate that neighborhood by providing the City services those residents had been requesting for many years in exchange for their willingness to live close to that shallow high pressure gas line.

County Commissioner Proctor inquired if, under this proposal, the residents of Paremore Neighborhood would be mandated to connect to central sewer.

Mr. Yordon pointed out that the connection to urban services in the unincorporated area was a matter of choice by citizens, not mandated.

City Commissioner Lightsey suggested that the discussion return to the proposed amendment because this Joint Commission could not mandate that City Utilities provide services to any area or exempt any area from central utilities. She expressed hope that all of the Commissioners would familiarize themselves with the City's lengthy file on the Paremore Estates issues, which documented all of the issues related to that neighborhood.

County Commissioner Proctor stated that he could not support this amendment without clarification of related issues.

County Commissioner Winchester stated that this was a land use amendment and also an equity issue, because promises had been made in the past in terms of some of the utility provisions. He questioned if the City, as the urban service provider, was willing to work on some plan to undertake a capital improvement assessment of real need for urban services. As the district County Commissioner for the Paremore Neighborhood area, he offered his services to work with the staff on what services were needed, the cost, the capital improvement plan for providing the services.

Mayor Marks opined that the provision of urban services within the USA to individuals desiring that service was a different issue from this proposed amendment.

City Commissioner Katz agreed with the need to carefully consider the issue of providing these services in a different forum.

City Commissioner Gillum questioned how many dwelling units would be allowed with this amendment. Ms. Hubbard clarified that 23 units was the maximum number of dwelling units allowed on this property with clustering in the Lake Protection category, and the only other way to obtain additional units would be through annexation, in which case the allowable density would increase to 28 units.

Mr. Jeff Phipps, 555 Ox Bottom Rd, appeared before the Joint Commission and requested that this site have its access onto Gardner Road. He also discussed some concerns with the tree roots along the canopy road being damaged from running central sewer across the road.

Mayor Marks stated that he was not prepared to discuss issues regarding the provision of sewer, the location of the sewer lines, issues regarding the canopy road because those issues were beyond what was being addressed with this proposed amendment.

City Commissioner Gillum stated that, based on what he had heard, the neighborhood was interested in receiving urban services and was concerned about the potential increase in traffic that would result from this amendment. He added that he was unsure if the approval of this amendment would help with the provision of urban services.

County Commissioner Thaeli suggested putting conditions on the amendment, and Ms. Hubbard noted that the County Attorney's Office was not comfortable with notes being placed on the Comprehensive Plan.

County Commissioner Thaeli expressed concern with the access point and the potential increase in traffic onto Meridian Road, and he questioned if the developer objected to the approval of this amendment being conditioned on the access being limited to Gardner Road.

Mr. Yordon confirmed that the entrance to the site was on Gardner Road, not on Meridian Road. He also confirmed that the developer would move the water and sewer utility across the road.

On behalf of the City, City Commissioner Katz **moved to approve Amendment 2003-2-M-003** and upon second by City Commissioner Mustian, **the vote of the City Commission was as follows:**

AYE: City Commissioners Marks, Katz, Lightsey and Marks
NAY: City Commissioner Gillum

On behalf of the County, County Commissioner Thaeli **moved denial of Amendment 2003-2-M-003** and upon second by County Commissioner Winchester, **the vote of the County Commission was as follows:**

AYE: County Commissioners Thaeli, Sauls, Rackleff, Winchester, Proctor and Maloy
NAY: County Commissioner Grippa

County Chairman Grippa questioned the effect of the differing votes by the City and County on this amendment, and he ascertained that the property was in the County.

Assistant City Attorney Hurst advised that the amendment would be transmitted only as approved by the City.

City Commissioner Lightsey noted that a move to move the USA boundary generally required an affirmative vote by both Commissions.

County Attorney Thiele advised that the City and County could adopt different land use maps, however, the FDCA's position was that the USA line could not be moved except jointly so that

essentially this amendment could not come into effect with the City in vote of approval and the County's voted of denial.

County Chairman Grippa opined that the denial of this amendment due to the lack of urban services in effect denied what would have been a fine development.

County Commissioner Sauls stated her desire for the City to indicate its commitment to trying to assist the Paremore Neighborhood with some urban services.

Mayor Marks stated that the Commission could not make a determination on what services could be provided at that point in time. He confirmed his willingness to consider the provision of such services to the Paremore community, and he pointed out the approval of this amendment increased the potential of providing urban services to that community.

County Commissioner Thaelle observed that the City had only recently demonstrated its willingness to address neighborhood equity concerns and, based on the Mayor's statement that some fair and equitable solution was needed to address this lack of municipal services to this neighborhood, he stated that he took the Mayor's comment as a commitment.

County Commissioner Rackleff **moved to reconsider the County Commission's prior action on Amendment -M-003** and County Commissioner Sauls seconded the motion, indicating that she was satisfied that the City would consider this important issue for the Paremore Neighborhood. **The vote of the County Commission was as follows:**

AYE: County Commissioners Grippa, Thaelle, Sauls, Rackleff, Winchester and Maloy
NAY: County Commissioner Proctor

County Commissioner Thaelle **moved to approve Amendment 2003-2-M-300** and County Commissioner Sauls seconded the motion.

County Commissioner Proctor discussed his position at length, noting that he had not had the staffing to explain some questions and he had some concern that equity could not be separated from this issue when looking at the east and west sides of Meridian Road and the division of urban services. He suggested looking at the census tracts and calibrate a system for the provision of services, and opined that people on one side of the road had not been able to get beyond what had been left them in previous years because they had not fared as well or had the opportunities afforded the people on the other side of the road in terms of help and assistance. County Commissioner Proctor pointed out the Mayor had given instructions to the staff to bring back some solution for this community in terms of providing services and there had been no response that he was aware of.

County Commissioner Winchester stated that the issue for him was to try to have some sort of neighborhood services plan begun and stated that he could not support this amendment unless some group could be designated to work towards undertaking the development of such a plan for this area.

County Chairman Grippa stated his agreement with County Commissioner Winchester, but stated his opinion that it was inappropriate to hold the proposed amendment hostage to that issue. He opined that private citizens living in a Lake Protection area ought to be able to receive rebates on the cost of going to central sewer, but that was another issue.

County Commissioner Rackleff stated that he could support the approval of this amendment given the good faith that had been expressed by the City Commissioners and because he was also persuaded by County Chairman Grippa's comments that this amendment should not be held hostage to the provision of urban services for the Paremore Neighborhood. He urged the provision of urban

services for that neighborhood and suggested that the neighborhood might also consider annexing into the City as that would help the citizens in terms of the cost of providing urban services.

The vote of the County Commission on the motion to approve Amendment –M-003 was as follows:

AYE: County Commissioners Grippa, Thael, Sauls and Rackleff
NAY: County Commissioners Winchester, Proctor and Maloy

Mayor Marks confirmed the City Commission's commitment to providing urban services to the Paremore Neighborhood and suggested that the residents support annexing their area as a way of expediting the provision of urban services. He also opined that the approval of this amendment, by including the neighborhood within the USA, would also expedite the provision of those urban services.

Referring to an earlier comment that the Mayor must feel like a "lame duck" as his request for staffing had not been met, County Commissioner Proctor apologized for his "lame duck" remark and explained that his remark was directed to the staff because of his frustration at the absence of staffing on issues that were fundamental to the decision, noting that the Commissioners' questions on the utility issues, including the cost of a tap, could not be answered.

County Chairman Grippa clarified with County Commissioner Proctor that his comments were not directed to Planning staff.

Ms. Hubbard reminded the Commissioners that Amendment 2003-2-M-010 was related to this item.

Amendment 2003-2-M-010

Ms. Hubbard presented proposed Amendment 2003-2-M-010, which was initiated by the Board of Leon County Commissioners to expand the USA in the Paremore Estates area just south of the last amendment. This action would include an additional 22.6 acres into the USA from Thompson Circle to just south of Gardener Road.

County Commissioner Proctor questioned how this amendment differed from Amendment 2003-2-M-003, and Ms. Hubbard pointed out Amendment –M-010 did not include a change from Rural to Lake Protection. She stated that Amendment –M-010 would facilitate urban services being provided to the entire Paremore Neighborhood when they became available as opposed to leaving off the end of the neighborhood.

County Commissioner Proctor questioned if the residents would be mandated to access and pay for central sewer. Ms. Hubbard replied in the negative and stated that typically there was no requirement for existing neighborhoods to connect to central sewer unless their septic tanks began to fail. She stated that this would allow central sewer to expand into that neighborhood and she reported that a prior survey had indicated only two residents were interested in receiving that service.

County Commissioner Proctor explained that he brought this issue up because of residents in the Woodville Triangle being mandated to connect to central sewer, and he felt it was important to clarify that these residents would not be mandated to connect to central sewer.

Ms. Hubbard clarified that most of the Paremore Neighborhood was already inside the USA and this action would mean the additional area was eligible for central sewer.

Ms. Ehrbar announced the following speaker:

Rev. William Foutz, 6504 N. Meridian Road, appeared before the Commission in opposition to this amendment and stated that no urban services had been offered to anyone in the Paremore Neighborhood. He stated that unless the sewer service was brought to his house, it did no good to his family and stated that his 260 years old community had voted unanimously against this amendment. Reverend Foutz pointed out one vote could make a difference in an election and he expressed confidence that Mayor Marks meant what he said about being committed to providing the desired urban services to the Paremore community. He also stated that he would like to bring his deeds to show the Mayor that there was no easement for the City's natural gas line that ran across his property.

County Commissioner Proctor inquired as to what distinguished the term USA from an effective annexation, and Ms. Hubbard stated that she knew of no correlation between those two terms. Mayor Marks clarified that annexation was to include an area within the City limits, which meant that they could receive City services and participate in City government, including running for office in the City.

On behalf of the City, City Commissioner Gillum **moved to approve Amendment 2003-2-M-010** and upon second by City Commissioner Katz, **the vote of the City Commission was unanimous in favor thereof.**

County Commissioner Rackleff **moved a like motion on behalf of the County** and upon second by County Commissioner Thaell, **the vote of the County Commission was as follows:**

AYE: County Commissioners Grippa, Thaell, Sauls and Rackleff
NAY: County Commissioners Winchester, Proctor and Maloy

County Commissioner Thaell interjected that he and City Commissioner Katz did not have much to do since the Tram Road neighborhood issue had been resolved, therefore, he was ready to go back to work.

City Commissioner Katz clarified, as one member of the City Commission, that the City Commission was committed to seeing what could be done for the Paremore Neighborhood while there was no commitment to any particular action. Mayor Marks concurred with this clarification.

County Commissioner Winchester expressed appreciation for having an opportunity to start a discussion on a plan for the Paremore community.

Amendment 2003-2-T-008

Ms. Hubbard presented proposed Amendment 2003-2-T-008, which would provide for Land Use Goal 14 relating to joint environmental studies. She noted that the new addendum on this item incorporated some comments made by the Water Resources Committee, and she advised the City staff had requested an opportunity to address the Joint Commission relative to the City's concern with this amendment.

Ms. Ehrbar announced the following speaker:

Ms. Pamela Hall, 5051 Quail Valley Road, representing the Centerville Road Community Association (CeRCA), appeared before the Joint Commission and discussed her support for this amendment, based on scientific and technical information. She stated that she also supported the concept of having integrated sector planning that included environmental, transportation, land use, economic development, housing, etc., as listed in Policy 14.1.1, and she expressed the opinion that controlling land uses was the Commissions' strongest tool for controlling stormwater management. Ms.

Hall discussed details of her experience in Bradfordville where efforts to have this kind of integrated planning according to defined goals had been unsuccessful.

Assistant City Manager Michael Wright advised this was one of the occasions in which Growth Management staff disagreed with Planning Department staff while they did agree with the purpose of the goal. He advised that a series of Comprehensive Plan amendments adopted in 1999 had established a series of steps dealing with stormwater and stormwater pollution, including a work program that had to be initiated by the year 2000 to identify and quantify stormwater pollution problems, treatment alternatives and associated costs, and that had been accomplished. Assistant City Manager Wright stated that by 2004, the Comprehensive Plan retrofit objectives had to be re-evaluated and revised to reflect what had been produced by that study and what was feasible to do; by 2005, a program had to be implemented to achieve the goals established in 2004; and he stated that comprehensive study was underway that encompassed 140,000 acres, or approximately 93% of the USA, including 145 drainage basins. Noting that this four-year study was nearing completion and would be presented to the City Commission within the next six weeks, he encouraged the County Commissioners to also attend that presentation to see the results of that study.

Assistant City Manager Wright further advised that although Growth Management staff considered the intent of this proposed amendment to be noble, it was very undefined and requested that the goal and its objectives needed to be specifically defined with the resources, cost and timeline included if the Commissions desired to pursue this amendment. He opined, however, that the Commissions might decide, after the staff's presentation, that this amendment was redundant.

City Commissioner Gillum **moved to confirm the City Commission's previous position, which was to deny Amendment 2003-2-M-008** and City Commissioner Lightsey seconded the motion.

City Commissioner Mustian congratulated County Chairman Grippa for his effort going into this amendment and he agreed that it was worthwhile to be cooperative in this and other areas. He stated that during his involvement with Blueprint 2000, one of the suggestions was that the City and County adopt a Joint Water Resources Plan, and he opined that it would be senseless not to do that. City Commissioner Mustian observed that the Comprehensive Plan might not be the appropriate venue for accomplishing this, noting that for the past ten years he had been working to get things out of the Comprehensive Plan that were vague and prone to litigation, while he believed this was well worth following up on.

City Commissioner Katz stated that when this came up six months earlier, he had liked the idea but believed it did not belong in the Comprehensive Plan. He stated that he would vote against the amendment although that could change if nothing had been accomplished in this area in the next six months.

County Commissioner Rackleff ascertained that the Water Resources Committee had proposed this text amendment.

County Chairman Grippa opined that drastically different standards on water quality in the City and the County needed to be resolved, and he expressed hope that the first step towards working together could be accomplished by approving this amendment, noting that he had brought this amendment forward because he believed it was the right thing to do and this was supported by the Council of Neighborhood Associations (CONA). He noted that the federal government would be in this community in the near future to evaluate the Total Maximum Daily Load (TMDL) issue and the Northwest Florida Water Management District (NFWFMD) had advised that taking this kind of preventative action would be seen as a step towards ameliorating any wrongs that might be found, and this amendment would bring all prior studies together to start a new process.

Mayor Marks ascertained that the staff's recommendation, and the recommendation of the Water Resources Committee was to approve the amendment as modified by the Water Resources Committee, reflected in the First Addendum to the amendment.

The vote of the City Commission on the denial of Amendment 2003-2-T-008 was unanimous in favor thereof.

County Commissioner Rackleff **moved a like motion on behalf of the County** and County Commissioner Maloy seconded the motion.

County Commissioner Rackleff stated that he like the modified amendment better than the original, but suggested that it was futile for the County to have a divergent position.

County Chairman Grippa commented that the County Commission's action on the previous amendment had acquiesced to the City Commission.

County Commissioner Thaeli opined that this amendment was a step in the right direction, but that City Commissioner Katz was correct in that this should be moved to a different forum. He pointed out things were already happening to accomplish the goal of this amendment, and suggested that filing this amendment had raised the necessity for better collaboration and cooperation to a much higher level between the City and the County, noting that various governmental agencies were conducting environmental studies in which the processes and outcomes ought to be shared, and further noting that the County was in a tight budget situation so that it would be difficult to commence a major study in 2004.

Noting his strong support for this amendment, County Commissioner Proctor stated that one of the most galling public policies in this community was the recently deleted Land Use Goal 8, and this amendment would provide the same water quality protections.

County Chairman Grippa called for a County Commission defeat of the motion on the floor.

County Commissioner Winchester discussed his concurrence with County Chairman Grippa on this particular issue based primarily on the need for the same standards in the City and the County, and opined that this could potentially push the community towards a joint stormwater program.

County Commissioner Sauls inquired as to the effect of differing positions by the City and the County, and County Attorney Thiele advised there could be different text although the development of a sector plan for a basin with overlapping boundaries would not apply within the City limits. Discussion continued in this regard.

City Commissioner Katz left the meeting at 7:52 p.m.

County Commissioner Thaeli discussed his full support for the mission of this amendment while he did not believe this to be the appropriate vehicle for the desired outcome of requiring better collaboration and cooperation between the City and County governments. He questioned how this amendment could be implemented if the City government did not agree and opined that under the circumstances he could not support this amendment.

County Chairman Grippa expressed hope that the City could identify what it objected to in the body of the amendment.

County Commissioner Sauls questioned what vehicle was appropriate if not this amendment.

County Chairman Grippa confirmed with County Attorney Thiele that there was nothing wrong with putting this amendment in the Comprehensive Plan.

The vote of the County Commission on the motion to deny Amendment 2003-2-T-008 was as follows:

AYE: County Commissioners Thaell, Rackleff and Maloy
NAY: County Commissioners Grippa, Sauls, Winchester and Proctor

County Commissioner Proctor **moved to approve and adopt Amendment 2003-2-T-008** and upon second by County Commissioner Sauls, **the vote of the County Commission was as follows:**

AYE: County Commissioners Grippa, Sauls, Winchester and Proctor
NAY: County Commissioners Thaell, Rackleff and Maloy

City Commissioner Gillum requested an opinion from Assistant City Manager Wright on the right mechanism for addressing the needs of the sub areas in the City and County.

County Commissioner Maloy left the meeting at 7:58 p.m.

Assistant City Manager Wright advised the County Commission had instructed County staff, in February 2003, to work on the establishment of a joint City-County Stormwater Committee and in his opinion that would be appropriate for this purpose.

County Commissioner Winchester expressed hope that the City's plan would be presented prior to the final adoption of these amendments. Assistant City Manager Wright clarified that the presentation would be the results of the four-year study and a plan would be developed from those results.

City Commissioner Lightsey clarified that the City would have study data back from the Stormwater Pollution Reduction Program, which would allow the development of stormwater management improvement plan, and stated that there would be a full report on that as well as a full briefing on the TMDL Program at the City Commission's August or September 2003 target issues workshop.

County Commissioner Winchester inquired as to whether City Commissioner Lightsey anticipated that the plan would provide for the same standards throughout a watershed. Noting that she could not make a promise, City Commissioner Lightsey asserted that the City Commission was willing to cooperate and share information, and placed timelines in the Comprehensive Plan for the Stormwater Quality Program. Noting that this was the data resulting from that, which the City would share with the County, she stated that the City would welcome information from comparable studies conducted by the County.

City Commissioner Katz returned to the meeting at 8:03 p.m.

County Chairman Grippa requested that the City Commission forward to him information on any objections to the substance of this amendment before the transmittal or adoption of this amendment.

Mayor Marks commended the spirit of cooperation between the City and County.

Amendment 2003-2-M-006

Ms. Hubbard presented proposed Amendment 2003-2-M-006, noting that a Fourth Addendum had been distributed related to the fact that the property being amended was three separate parcels

with the same owner so that there could be a unified development plan for the combined 975 acres. She stated that the County Attorney's Office had recommended that there be a Developer's Agreement and a unity of title, rather than the placement of notes on the Comprehensive Plan. Ms. Hubbard advised that there was no firm mechanism in place for the imposition of Land Use Conditions, as had been recommended by the applicant, therefore, the applicant was asking that this amendment be transmitted with the modifications tentatively approved by the City Commission at the joint workshop on May 29, 2003. She stated that the County had deferred taking a position and requested some additional time to find a mechanism to address these issues prior to the adoption hearing, and she opined that there was time to implement a Chapter 163 agreement, which the County Attorney had indicated would be an appropriate mechanism.

Ms. Ehrbar announced the following speakers:

Mr. Charles Gardner, 1300 Thomaswood Drive, representing the developer, appeared before the Commission in support of this amendment and discussed his belief that he and the County Attorney could reach agreement on an appropriate vehicle for addressing the land use conditions, possibly through restrictive covenants that could be enforced.

County Chairman Grippa confirmed with Mr. Gardner that 1) access to this site would be from Gardner Road and there would be no cut-throughs from Baker Place, 2) Pisgah Church Road could not be paved in front of property owners not wanting it to be paved, and 3) the restrictive covenant would ensure that the density could not be increased on the entire ownership beyond what was currently allowed, 200 single-family residential homes.

County Chairman Grippa thanked everyone who had worked hard to make this a good project, noting that he was pleased to support this amendment.

Mr. Gardner also thanked Pam Hall for her assistance.

County Commissioner Rackleff **confirmed with Mr. Gardner that there would be a pedestrian cut-through from the new subdivision to Baker Place.**

County Commissioner Winchester announced a policy was being developed on the issue of Conservation Neighborhoods for presentation in the next cycle of amendments, and he expressed the opinion that they would be very important for this community in the establishment of a land development pattern. He discussed the desirable features of this development, indicating it would permanently protect 50% of approximately 400-500 acres.

Ms. Pamela Hall, 5051 Quail Valley Road, appeared before the Joint Commission in support of this amendment and stressed the importance of the written language in this amendment accomplishing the intent. She discussed the importance of finding a way to ensure that there was no window of opportunity or gaps in the language that could potentially allow spot zoning.

Ms. Deborah Newhall, 303 E. 8th Avenue, owner of two properties on Pisgah Church Road directly across from the proposed development on this amendment site, appeared before the Joint Commission in support of this amendment and urged every precaution in ensuring that the open space provided by this development was legally binding in the event the land was sold. She stated her desire to ensure there were no septic tank developments and discussed her disagreement with the figures given in the traffic study, as she was confident that more than 520 vehicles would be generated by the proposed development on Pisgah Church Road.

Ms. Charlotte Chuites, 5980 Ansel Ferrel Road, President of the Baker Place Homeowners Association, appeared before the Joint Commission and discussed her support of this amendment

based on the developer's guarantee of future protection. She requested some legal assurance that the development would be limited to 200 units on the combined acreage.

County Attorney Thiele assured the Joint Commission that there was a mechanism for restricting the development on that property to 200 dwelling units so that it would run with the property. The County Commission, by consensus, committed to not approving this amendment unless that restriction ran with the property.

City Commissioner Mustian confirmed with County Attorney Thiele that the unity of title issue, referenced in the Fourth Addendum to the agenda, had been satisfactorily resolved -- combining the parcels into one parcel and precluding the developer from separating the parcels without going through the subdivision process. County Attorney Thiele advised that a legal description would be prepared that would combine all the parcels in the restrictive covenants in a package document.

City Commissioner Katz confirmed with County Attorney Thiele that this amendment would be transmitted to FDCA on the condition that such an agreement was reached and acceptable to the Joint Commission prior to voting on the final adoption of the amendment on September 23, 2003.

On behalf of the City, City Commissioner Mustian moved to approve Amendment 2003-2-M-006 as discussed and upon second by City Commissioner Katz, the vote of the City Commission was unanimous in favor thereof.

County Commissioner Thael moved a like motion on behalf of the County and upon second by County Commissioner Sauls, the vote of the County Commission was as follows:

AYE: County Commissioners Grippa, Sauls, Thael, Rackleff, Winchester and Proctor
NAY: None
ABSENT: County Commissioner Maloy

Transmittal of Amendments to FDCA

On behalf of the City, City Commissioner Lightsey moved to transmit the approved amendments to FDCA for review and upon second by City Commissioner Gillum, the vote was unanimous in favor thereof.

County Commissioner Sauls moved a like motion on behalf of the County and upon second by County Commissioner Winchester, the vote of the County Commission was as follows:

AYE: County Commissioners Grippa, Sauls, Thael, Rackleff, Winchester and Proctor
NAY: None
ABSENT: County Commissioner Maloy

The following approved amendments only were transmitted to the FDCA for review as to compliance with State regulations:

PROPOSED CYCLE 2003-2 AMENDMENTS TO THE COMPREHENSIVE PLAN			
Item #	Amendment To	Nature of Proposed Amendment	Status
2003-2-M-001 (Miley Miers)	FUTURE LAND USE MAP (North side Mahan Drive, East of Hawk's Landing & West of Baum Road)	From: Rural To: Urban Fringe 301.00 Ac.	Withdrawn by the Applicant
2003-2-M-002 (Brad Parker)	FUTURE LAND USE MAP (Northwest corner of Capital Circle NW & West Tharpe Street)	From: Industrial To: Mixed Use B 3.23 Ac.	City/County: APPROVED
2003-2-M-003 (Roland B. Woolsey)	FUTURE LAND USE MAP (West side of Meridian Road & South side of Gardner Road)	From: Rural To: Lake Protection 28.91 Ac.	City/County: APPROVED
2003-2-M-004 (Johnny and Kristina Petrandis)	FUTURE LAND USE MAP (South of Old St. Augustine Road & East of Calle de Santos)	From: Urban Fringe To: Mixed Use A 56.00 Ac.	Withdrawn by the Applicant
2003-2-M-005 (J-H Investments, Inc.)	FUTURE LAND USE MAP (East of Woodville Highway & South of Natural Wells Drive, east of the power line easement)	From: Rural To: Woodville Rural Community 40.00 Ac.	Withdrawn by the Applicant
2003-2-M-006 (Centerville Properties, LTD)	FUTURE LAND USE MAP (West side of Centerville Road, North of Pisgah Church Road)	From: Rural To: Urban Fringe 592.00 Ac.	City/County: APPROVED conditioned on the creation of a mechanism that was agreeable to both Commissions to legally bind the property to: <ol style="list-style-type: none"> 1) density limited to 200 units on the combined acreage [975 acres] 2) development limited to residential development only 3) at 50% of the combined acreage is placed in permanent open space

2003-2-T-007 (City of Tallahassee)	LAND USE NARRATIVE, LAND USE POLICIES 1.2.1 & 1.2.2, & CONSERVATION POLICIES 1.3.2, 1.3.5, & 1.3.8	Allows additional development on significant slopes and allows for off- site mitigation.	Withdrawn by the Applicant
2003-2-T-008 (County Commission)	LAND USE ELEMENT Creates new LAND USE GOAL 14, and new supporting Objective and Policy	Provides that Leon County & City of Tallahassee will work together cooperatively to identify and address special needs of sub- areas in the City and County.	City: DENY County: APPROVED
2003-2-T-009 (County Commission)	CONSERVATION ELEMENT	Changes the elevation of the Special Development Zone (SDZ) in the Fred George basin from 108 feet to 104 feet, thus shrinking the size of the SDZ.	City/County: APPROVED
2003-M-010 (County Commission)	FUTURE LAND USE MAP (the Paremores Estates neighborhood, West of Meridian Road from Thompson Circle to south of Gardner Road)	From: Outside the USA To: Inside the USA 22.60 Ac.	City/County: APPROVED

ADJOURNMENT

Mayor Marks inquired if anyone else desired to address the Commission at this time or if there was any new business to discuss and there being none, the meeting was adjourned at 8:23 p.m.

Tony Grippa
Chairman

Attest:

Bob Inzer, Clerk of the Circuit Court